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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/743,166	03/20/2001	Shintaro Tsutsui	SONY JP-115	6104
530	7590	09/18/2006		
LERNER, DAVID, LITTENBERG, KRUMHOLZ & MENTLIK 600 SOUTH AVENUE WEST WESTFIELD, NJ 07090			EXAMINER TRAN, HAI V	
			ART UNIT 2623	PAPER NUMBER

DATE MAILED: 09/18/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/743,166

Applicant(s)

TSUTSUI ET AL.

Examiner

Hai Tran

Art Unit

2623

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 June 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-21 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 06/19/2006 has been entered.

Response to Arguments

Applicant's arguments filed 06/19/2006 have been fully considered but they are not persuasive.

In response to Applicant's argument (page 7) that "Humbleman appears to disclose that a user operating the GUI selects the second device. Therefore, claim 1 is believed to be distinguishable from Humpleman as applied by the Examiner."

In response, the Examiner respectfully disagrees with Applicant because Humpleman in one embodiment discloses the use of macro to facilitate the convenient setup and control of several devices connected to the bus network thereby avoiding a user operating the GUI selects the second device in subsequent actions after the setting (see Col. 20, lines 58-Col. 21, lines 22). As such, Humpleman meets the amended limitation "... without a selection input from a user...".

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

1. Claims 1-21 are rejected under 35 U.S.C. 102(e) as being unpatentable by Humpleman et al. (US 6182094).

Claim 1, a control method of controlling a 2nd device connected to a 1st device, comprising:

“Executing a 1st program inputted to the 1st device from the outside” reads on Fig. 1, in which DSS-NIU 104/home device server 106 (1st device) receives broadcasting signal and displays the receiving broadcast signal on the display device DTV 102, see Col. 14, lines 34-37; and

“Executing a 2nd program prepared beforehand in the 1st device, the 2nd program being operable to *select* a most desirable device as the 2nd device from among a plurality of devices connected to the 1st device without a selection input from a user” reads on the GUI interface (2nd program) display on the DTV 102 which allows user to control all devices connected to 1st device (in this instant DSS-NIU 104 behaves as server and the connected devices behaves as clients; Col. 5, lines 40-62; Col. 6, lines 30-65+, for example Fig. 10 shows a GUI’s “session manager” is operable for

user to select "Dad TV" 712 as a most desirable device from among the other devices, i.e., Jim DVD, Dad VCR...

limitation "without a selection input from a user", reads on Humpleman disclosure that the use of macro to facilitate the convenient setup and control of several devices connected to the bus network thereby avoiding a user operating the GUI selects the second device in subsequent actions after the setting (see Col. 20, lines 58-Col. 21, lines 22), and

"to obtain device information for the most desirable device" reads on Humpleman' s "custom HTML page" or "Graphical Control Object" (GCO) is rendered by the client device, i.e., DTV 102 to form a page/GUI in which device information of the corresponding device connected to the network is obtained from multiple HTML pages of corresponding attached devices, i.e., DVD, DVCR ...(Col. 2, lines 56-63; Col. 13, lines 17-57; see Fig. 10 in which "Dad TV" information is obtained and displayed, el. 804).

"the 1st program is executed using the device information for the most desirable device" reads on a broadcast TV show (1st program) is tuned/recorded through the session manager (2nd program) in which the session manager using information (HTML page) from the connected devices, i.e., DBSS, DTV, DVCR, sends command/control information to cause tuner (DBSS) to tune to a TV show (1st program) and broadcasts on both DTV 102 for displaying and recording the TV show onto the DVCR (Col. 14, lines 35-46).

Claim 2, "wherein the execution of the 2nd program selects the 2nd device when information concerning the 2nd device is not stored in a storage unit of the 1st device" reads on presenting the GUI (2nd program) with information of the 2nd device by updating the device list as home devices are added to the home network (Col. 5, lines 40-65+ and Col. 10, lines 8-55).

Claim 3, "wherein the execution of the 2nd program selects the 2nd device when a device instructed by information stored in a storage unit of the 1st device is not connected to the 1st device" reads on presenting the GUI (2nd program) with information of an alternative device that have match capabilities the intended device that is not connected to the 1st device (Col. 15, lines 53-Col. 16, lines 13).

Claim 4, Humpleman further discloses wherein a storage unit stores device type information for the plurality of devices connected to the 1st device, and execution of the 1st or 2nd program is operable to select the most desirable device as the 2nd device based on the device type indicated by the 1st or 2nd program (Col. 7, lines 4-52; Col. 8, lines 32-38; Col. 15, lines 53 - Col. 16, lines 13).

Claim 5, Humpleman further discloses wherein the device information obtained by executing the 2nd program (GUI) is identification code information corresponding to the 2nd device (Fig. 5A-B; Col. 13, lines 5-38).

Claim 6, Humpleman further discloses wherein execution of the 2nd program (GUI) enables the 2nd device to process data, i.e., recording or playback (Fig. 11-12A-B and 13), the 2nd device being connected to the 1st device through a bus line of a predetermined format (Col. 8, lines 5-20).

Claim 7, Humpleman further discloses wherein the 2nd program sets information concerning the 2nd device by a predetermined input operation (Fig. 9; Col. 14, lines 19-60).

Claim 8, Humpleman further discloses wherein the 1st program is transmitted through predetermined broadcast waves to the 1st device (see fig. 1, el. 122).

Claim 9, Humpleman further discloses wherein the 1st program (video program from DVD 108) is transmitted through a wired broadcast (network 1394) to the 1st device (see Fig. 1).

Claim 10, With the same analysis as claim 1, Humpleman further discloses when control of the 2nd device is ended due to an abnormality, information concerning the 2nd device that was obtained during execution of the 2nd program is stored in a storage unit of the 1st device (reads on "dynamically updated" as home devices are added and removed from the home network, i.e., IEEE-1394, Col. 5, lines 40-65+ and Col. 10, lines 52-55); and the next time the 1st device selects a controlled

device, the controlled device is selected based upon the information stored in the storage unit (reads on the availability of the connected devices to the network, as defined by IEEE-1394 in which the user able to select among the remaining of the connected devices).

Claim 11, Control equipment, as claimed, is further met by method claim 1 in which Humpleman' s system inherently has a 1st storage unit for storing a 1st program inputted from the outside (i.e., DBSS); a 2nd storage unit for storing a 2nd program prepared beforehand (GUI) and which is activated by the 1st program, as discussed in claim1, and a processing section that executes the 1st and 2nd programs stored in the 1st and 2nd storage units, as discussed in claim 1.

Claim 12, "wherein the processor selects the most desirable device from the plurality of devices when information of a controlled device is not stored in the 2nd storage unit" is analyzed with respect to method claim 2.

Claim 13, "wherein the processor selects the most desirable device from other devices among the plurality of devices when a device stored in the 2nd storage unit is not connected as a controlled device" is analyzed with respect to method claim 3.

Claim 14, "wherein the 2nd storage unit stores device type information for each of the plurality of devices and the processor selects the most desirable device based

on the device type indicated by the 1st or 2nd program” is analyzed with respect to method claim 4.

Claim 15, “wherein the information obtained for the most desirable device when the processor executes the 2nd program is an identification code corresponding to the most desirable device” is analyzed with respect to method claim 5.

Claim 16, Humpleman further discloses an interface unit (GUI) for communicating with the processor, wherein the processor obtains the information for the most desirable device through the interface unit and the most desirable device is controlled by the control equipment through the interface unit (Fig. 8-13; Col. 15, lines 25-Col. 20, lines 30).

Claim 17, Humpleman further discloses:

An input unit for inputting the information concerning the most desirable device; and a remote control signal output unit for outputting a remote control signal of a predetermined format in response to a command from the processor (Col. 15, lines 53-Col. 16, lines 13), wherein the processor obtains the information for most desirable device from the input unit and the processor generates the remote control signal based on the obtained information (Col. 7, lines 4-52 and Col. 8, lines 32-37).

Claim 18, "further comprising a receiver operable to receive a broadcast signal of a predetermined format, wherein the 1st program is contained in the broadcast signal and stored in the 1st storage unit" (reads on an EPG inherently stores within the DBSS storage; Col. 22, lines 55-65+).

Claim 19, "wherein the receiver receives a satellite broadcast signal relayed by a predetermined satellite" is analyzed with respect to claim 8.

Claim 20, "wherein the receiver receives a signal transmitted by a wired broadcast" is analyzed with respect to claim 9.

Claim 21, Control equipment, as claimed, is further met by method claim 1 in which Humpleman's system inherently has a 1st storage unit for storing a 1st program inputted from the outside (i.e., DBSS); a 2nd storage unit for storing a 2nd program prepared beforehand (GUI) and which is activated by the 1st program, and a processing section that executes the 1st and 2nd programs stored in the 1st and 2nd storage units, the 2nd program is operable to obtain information from a plurality of devices and is operable to select a most desirable device from the plurality of devices without a selection input from a user, and the most desirable device is controlled based on the obtained information, as discussed in claim 1.

Humpleman further discloses wherein when control of the most desirable device (2nd device) is ended due to an abnormality (reads on the dynamically updated as

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home devices are added and removed from the home network, i.e., IEEE-1394, Col. 5, lines 40-65+ and Col. 10, lines 52-55); and the processor selects the most desirable device the next time the control equipment selects a device to be controlled (reads on the availability of the connected devices to the network, as defined by IEEE-1394 in which, the next time, the user able to select among the remaining of the connected devices).

Conclusion

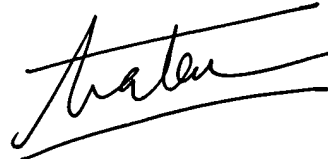
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hai Tran whose telephone number is (571) 272-7305.

The examiner can normally be reached on M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christopher S. Kelley can be reached on (571) 272-7331. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

HT:ht
09/01/2006

A handwritten signature in black ink, appearing to read "H. A. A.", is written over two horizontal lines.